IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.806 OF 2006

IN

SUIT No. 1819 OF 1988

M/s.rafique Abdul Malik Tejani & ors.. Plaintiffs

versus

The Oriental Insurance Co.Ltd. & Anr.. Defendants

...

Mr.Piyush Shah for the plaintiffs.

Mr.Girish Desai i/b U. Ramdas for defendant no.1.

CORAM : D.G. KARNIK, J

DATED : 7th July 2006.

P.C.:

1. This Chamber Summons has been taken out by the defendant for condonation of delay of 14 years in filing of the written statement. Counsel for the plaintiffs submits that such a request can be made only be means of a Notice of Motion and not by a Chamber Summons. He further submits that by an order dated

22nd June 2006, this Court has already directed that the suit shall proceed without the written statement. The suit has been adjourned for the evidence of the plaintiff. He submits that the hands of the clock cannot be set back and the stage of the suit which is for evidence cannot be reverted back. He therefore prays that the Chamber Summons be dismissed.

2. Under the Bombay High Court (Original Side) Rules, an application for condonation of delay has to be made by Notice of Motion and not by Chamber Summons. Further even on merits, the objection is justified. Hence, Chamber Summons is rejected. S.O. for two weeks for evidence.

(D.G. KARNIK, J)